



permits, which she indicated she performs 7% of the time; Tsaptsinos does not create a cover letter, but uses the existing one that has been used for years; “Dumpsters/Permits>Returns,” “Road Openings,” “Preparing a response to open space requests,” and “Minor/major Site plans/variances,” performed 8.5% of the time are not daily tasks; Tsaptsinos does not spend 5% of her time on dog licenses, as another employee handles the majority of this task; Tsaptsinos does not spend 3% of her time assisting others in the office, she does not train others, and rarely assists as she takes a long time to complete her own duties and does not have the general knowledge to do so; Tsaptsinos does not spend 2.5% of her time on mail, as she only prepares mailing envelopes for her correspondence, and sorting and distributing the mail is performed by another employee; Tsaptsinos listed 10% of her time on her skills, rather than her duties.

In response, Tsaptsinos, represented by Ben Weathers, Esq., states that her PCQ was submitted to the former Municipal Clerk, her supervisor at the time, who agreed with her description of job duties and percentages of time for those duties, although she did not agree or disagree with the proposed title. The supervisor also signed as the Program Manager, and disagreed with proposed title. In an addendum, the supervisor agreed with 90% of the duties listed. Tsaptsinos indicates that the appointing authority was informed that her position would be reclassified unless the appointing authority advised that duties and responsibilities commensurate with the permanent title are assigned. She argues that the appointing authority has not indicated that it has reassigned duties and responsibilities commensurate with Keyboarding Clerk 1, and that her duties have remained substantially the same since Agency Services’ November 19, 2020 decision. Tsaptsinos also states that she is the only employee in the office who speaks Spanish fluently. She argues that the statements and the new Municipal Clerk should be disregarded as conflicting with her previous supervisors’ statements. She requests a retroactive appointment date to December 19, 2020 due to the appointing authority’s failure to abide by *N.J.A.C. 4A:3-3.5(c)1*.

## CONCLUSION

*N.J.A.C. 4A:3-3.9(e)* states that in classification appeals the appellant shall provide copies of all materials submitted, the determination received from the lower level, statements as to which if portions of the determination are being disputed, and the basis for appeal. Information and/or argument which was not presented at the prior level of appeal shall not be considered.

*N.J.A.C. 4A:3-3.5(c)1* states that within 30 days of receipt of the reclassification determination, unless extended by the Chairperson or designee in a particular case for good cause, the appointing authority shall either effect the required change in the classification of an employee’s position; assign duties and responsibilities commensurate with the employee’s current title; or reassign the

employee to the duties and responsibilities to which the employee has permanent rights. Any change in the classification of a permanent employee's position, whether promotional, demotional, or lateral, shall be effected in accordance with all applicable rules.

The definition section of the job specification for Keyboarding Clerk 1 states:

Under close supervision, performs routine, repetitive clerical work involving the processing of documents in a variety of functions; formats and key enters/types correspondence, documents, reports, charts and other materials on a computer console, typewriter, or other key entry device used by the agency; does other related duties as required.

The definition section of the job specification for Keyboarding Clerk 2, Bilingual in Spanish and English states:

Under limited supervision, performs moderately complex and non-routine clerical work involving the processing of documents in a variety of functions; performs moderately complex and non-routine clerical work requiring the utilization of keyboarding or typing skills; formats, reproduces, corrects, adjusts and prints a variety of written material; key enters/types correspondence, documents, reports, charts and other materials on a computer console, typewriter, or other key entry device used by the agency; may provide guidance and assistance to staff; does other related duties as required.

03258 - Bilingual in Spanish And English

Special Skill

Applicants must be able to read, write, speak, understand, or communicate in Spanish and English sufficiently to perform the duties of this position.

Based upon a thorough review of the information presented in the record, it is clear that the duties of the position match those of Keyboarding Clerk 2, Bilingual in Spanish and English. At the outset, the classification of a position is determined based on the *duties* and *responsibilities* assigned to a position at the time the request for reclassification is received as verified by audit or other formal study.

It is noted that Tsaptsinos' PCQ was completed properly, except for seven skills included in a 12-point bulleted list labeled "10% Additional Skills/Duties." The PCQ requests the incumbent to describe the detail of the work, make clear descriptions so that persons unfamiliar with the work could understand exactly what is done, and provide a percentage of time and the order of difficulty for each of the duties.

Tsaptsinos' duties were clearly iterated, along with the order of difficulty for each and the amount of time she performed each duty.

In its decision, Agency Services indicated that a Keyboarding Clerk 2 spends the majority of time totaling and balancing monies received, completing deposit slips, itemizing and recording transaction details, processing licenses for completeness and accuracy, compiling and balancing reports, assisting gathering suppliers for elections and preparing payroll from poll workers, and communicating in Spanish and English with the community. A Keyboarding Clerk's function revolves around properly entering information on computers, and performing data entry from documents and information. In this case, the appointing authority had a new supervisor contest the set of duties that was considered. The supervisor disagrees with the percentage of time for 51.5% of Tsaptsinos' performance, a significant amount of time, but does not offer any other percentages to review, nor any other duties to account for the missing time. Agency Services, will reclassify a position unless advised by the appointing authority that the duties and responsibilities commensurate with the incumbent's permanent title will be assigned. If duties are reassigned commensurate with the employee's permanent title, the appointing authority must submit a current PCQ and organizational chart documenting the change. In this case, the appointing authority has not submitted another PCQ documenting a change. As such, it may reassign the appellant more routine, repetitive clerical duties. However, the duties as presented at the time are moderately complex as they include payroll, and balancing monthly and yearly reports, duties to which the supervisor at the time agreed.

The appellant is not entitled to a retroactive appointment date. *N.J.A.C. 4A:3-3.9(e)3ii* states that if an appeal is granted by the Civil Service Commission (Commission), the effective date of implementation shall be, in local service, the date an appropriate representative of the Commission first received the appeal or reclassification request, or at such earlier date as directed by the Commission. In this case, Tsaptsinos' request was received in Agency Services on January 10, 2020. Accordingly, Agency Services properly determined that Tsaptsinos is considered to be serving provisionally in the Keyboarding Clerk 1, Bilingual in Spanish and English, pending promotional examination procedures, effective January 10, 2020. There is no basis on which to provide her with an earlier date of provisional appointment.

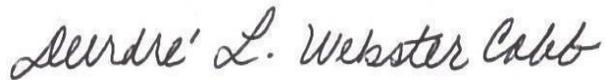
Accordingly, a thorough review of the entire record fails to establish that the appellant has presented a sufficient basis to warrant a Keyboarding Clerk 1 classification of her position.

### **ORDER**

Therefore, the position of Enza Tsaptsinos is properly classified as Keyboarding Clerk 2, Bilingual in Spanish and English.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 28th DAY OF APRIL, 2021



Deirdré L. Webster Cobb  
Chairperson  
Civil Service Commission

Inquiries  
and  
Correspondence

Christopher S. Myers  
Director  
Division of Appeals and Regulatory Affairs  
Civil Service Commission  
Written Record Appeals Unit  
P. O. Box 312  
Trenton, New Jersey 08625-0312

c: Enza Tsaptsinos  
Ben Weathers, Esq.  
Daniel Frankel  
Division of Agency Services  
Records Center